

2743. Misbranding of Gen-Con. U. S. v. 2 Cases * * *. (F. D. C. No. 26842. Sample No. 51255-K.)

LABEL FILED: March 11, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 1, 1946, by the Gen-Con Co., from Canton, Ohio.

PRODUCT: 2 cases, each containing 72 bottles, of *Gen-Con* at Louisville, Ky. Analysis showed that the product consisted essentially of water, hydrochloric acid, and a coloring material.

LABEL, IN PART: "Gen-Con The 15 Drop Remedy."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Remedy for Indigestion * * * Relief for Gas, Heartburn, Headache, Stomach Disorders" were false and misleading since the article was not effective in the treatment of these conditions.

DISPOSITION: June 6, 1949. Default decree of condemnation and destruction.

2744. Misbranding of theophylline preparation. U. S. v. 9 Bottles * * *. (F. D. C. No. 26122. Sample No. 19458-K.)

LABEL FILED: December 10, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 17, 1948, from Seymour, Ind.

PRODUCT: 9 1-pint bottles of *theophylline preparation* at Cincinnati, Ohio. Examination showed that the product consisted of a sirupy liquid and a precipitate. The supernatant sirup liquid contained, per 4 cc., .093 gram (1.44 grains) of theophylline. The precipitate consisted of theophylline.

LABEL, IN PART: "Brand of Theophylline Sodium Glycinate * * * Each Teaspoonful (4 cc.) contains * * * (equivalent to 0.16 Gm. (2½ gr.) Theophylline U. S. P.)."

NATURE OF CHARGE: Misbranding, Section 502 (a), the above-quoted statements on the label were misleading since the sirup contained per 4 cc. less than the equivalent of 0.16 gram (2½ grains) of theophylline, namely, .093 gram (1.44 grains). The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 6, 1949. Default decree of condemnation and destruction.

2745. Misbranding of Burnett's Radio Active Emanator. U. S. v. William Henry Burnett. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 24250. Sample No. 49567-H.)

INFORMATION FILED: March 25, 1948, Eastern District of Arkansas, against William Henry Burnett, Kingsland, Ark.

ALLEGED SHIPMENT: On or about February 28, 1947, from the State of Arkansas into the State of Mississippi.

PRODUCT: Examination showed that the device was a concrete molded block exhibiting a negligible degree of radioactivity.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in accompanying pamphlets entitled "Nature's Health Restorer" and "Burnett's Radio Active Emanator A Health Spring In Your Home" were false and misleading since the device would not fulfill the promises of benefit suggested and implied. These statements represented and suggested that the device would be a health spring in the home, would impart beneficial qualities to water, and would soften and purify the hardest waters; that it would be efficacious in

the treatment of kidney disorders, diabetes, high blood pressure, stomach troubles, rheumatism, arthritis, neuritis, asthma, and various kindred troubles; that it would promote digestion, give increased vigor to all nutritive processes, stimulate the intellectual qualities, prevent insanity, rouse noble emotions by promoting a healthy brain, retard the advance of old age, and create splendid, youthful, and joyous life; that it would carry stimulating energy-giving action to every cell in the blood stream, restore the body functions and enable the user to remain well; that it would restore vigor to men and women of advanced years, increase the red blood count, kill or check disease germs, and relieve pain; that it would relieve the pain of acute and chronic gout, neuralgia, sciatica, and lumbago, and relieve the lancinating pains of tabes dorsalis; that it would be efficacious in the treatment of high blood pressure and arteriosclerosis; that it would promote normal functioning of the ductless glands; that it would have a stimulating effect upon the sexual organs and would restore youth to the user; and that it would restore health, readjust the system to a more normal condition, and build and renew the system.

DISPOSITION: April 28, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

2746. Misbranding of Glo Oscillating Massager. U. S. v. 64 devices * * * .
(F. D. C. No. 26138. Sample No. 4719-K.)

LIBEL FILED: December 17, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 4, 1948, by Glo Industries, Inc., from New York, N. Y.

PRODUCT: 64 *Glo Oscillating Massagers* at Boston, Mass., together with a number of leaflets entitled "Glo For Health," 3 large placards entitled "Glo For Health," 4 metal placards headed "Free Demonstration," and a wooden sign bearing the words "Stop Pain use Glo." The device consisted of a dome-shaped plastic case with a handle attached, through which an electric connecting cord entered the dome. A vibrator and a heating unit were inside the dome.

LABEL, IN PART: (Carton) "Glo Oscillating Massager with Infra-Red Heat."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the leaflets, placards, and wooden sign were false and misleading since they represented and suggested that the device was an effective treatment for sprains, many common discomforts, sprained nerves, aches and pains, cold miseries, aches and pains of colds, chest congestion, sinusitis, congestion, rheumatism, arthritis, neuritis, and cramps; that it was an effective treatment to stop pain; that heat of the device would penetrate deep down into the tissues of the body to relieve pains and misery; and that its use would insure healthy facial muscles and tissue. The device would not fulfill the promises of benefit stated and implied.

DISPOSITION: April 21, 1949. Glo Industries, Inc., New York, N. Y., claimant having consented to the entry of a decree, judgment of condemnation was entered and the devices were ordered released under bond for relabeling under the supervision of the Federal Security Agency.